



DEPARTMENT OF
FINANCE
OFFICE OF THE DIRECTOR

ARNOLD SCHWARZENEGGER, GOVERNOR
STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

April 16, 2009

Ms. Patricia Maitland
Principal Administrative Analyst
County Administrative Office
County of Monterey
168 W. Alisal Street, 3rd Floor
Salinas, CA 93901

Ms. Rona Rothenberg
Manager
Office of Court Construction and Management
Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Dear Ms. Maitland and Ms. Rothenberg:

Decision on the Court Facilities Dispute Resolution Committee Recommendation from the January 28, 2009, meeting

The Court Facilities Dispute Resolution Committee (Committee) formally met on January 28, 2009, to hear the Monterey County initiated dispute regarding the failure to reach agreement on transfer for the following court facilities: Salinas Courthouse-North Wing (27-A1), Marina Courthouse (27-B1), Monterey Courthouse (27-C1), King City Courthouse (27-D1), Juvenile Courthouse (27-E1). Per Government Code Section 70303, the Committee submitted its recommendations to me for these facilities.

Dispute Regarding the Monterey County Facilities

Government Code Section 70321 provides that transfer agreements executed on or after October 1, 2008, and before March 31, 2009, shall contain a requirement that the county pay, in addition to the county facility payment, specified continuing additional charges from the date of transfer. This section allows, in certain situations, for this multiplier to be tolled and ultimately waived if a Joint Declaration from the county and the AOC is executed prior to September 30, 2008, stating the presence of certain conditions which prohibit successful execution of a transfer agreement prior to the October 1 deadline. In order for the penalty to be waived, the transfer must be executed prior to December 31, 2008.

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The Committee's recommendation is detailed below:

Monterey County Court Facilities: Deny the appeal. The Committee members voted unanimously to recommend denial of the County's request to waive the penalties for the following court facilities: Salinas Courthouse-North Wing, Marina Courthouse, Monterey Courthouse, King City Courthouse, and the Juvenile Courthouse.

I concur with the recommendation of the Committee as summarized above.

If you have any further questions regarding this matter, please do not hesitate to call Nathan Brady at (916) 445-9694.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Genest", with a long, sweeping flourish extending to the right.

MICHAEL C. GENEST
Director

cc: Court Facilities Dispute Resolution Committee Interested Parties List